

# UNDERSTANDING HUMAN RIGHTS THE LEGAL AND MORAL OBLIGATIONS TO PROTECT HUMAN RIGHTS

Presenter: Mary Kalemkerian, Human Rights Officer, Office of the United Nations High Commissioner for Human Rights

## Video Transcript

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Hello. My name is Mary Kalemkerian and this lesson begins our human rights course with a discussion on the legal and moral obligations to protect human rights.

In this lesson, we will take a look at what it means when we say human rights. We will discuss the foundations of human rights law. And we will review the moral obligations each of us has to protect human rights.

Throughout this lesson, we will refer to specific international treaties related to the protection of human rights worldwide. Every country in the world has adopted at least some of these treaties. These treaties, along with customary law emerging from the Universal Declaration of Human Rights, form the basis for how we define and defend the rights of all human beings.

Human rights are the basic rights and freedoms to which all humans are entitled. They are rights inherent to all human beings, irrespective of their nationality, gender, race, ethnic origin, color, sexual orientation, physical ability, religion, language, social or economic status.

Everyone is equally entitled to human rights without discrimination. While we distinguish between civil, political, economic, social and cultural rights, these rights are all interrelated, interdependent and indivisible.

Human rights are generally individual rights, although some rights, such as the right to self-determination, are collective rights held by entire peoples or groups.

International human rights law first and foremost obligates states to act or to refrain from acting in certain ways, in order to promote and protect human rights and the fundamental freedoms of individuals or groups. And it is recognized that international organizations and non-state actors, such as armed groups and businesses, must also respect basic human rights guarantees.

All societies, whether in written or unwritten tradition, had systems in place to protect conventional standards of proper behavior, as well as justice for all. While the roots of human rights lie in prior tradition and documents that these societies created and lived by, the revolutionary idea of rights inherent to human nature can be traced to Enlightenment philosophers such as John Locke and Jean Jacques Rousseau.

Documents such as the Magna Carta, the Manden Charter of the Malian Empire, the French Declaration on the Rights of Man and Citizen, and the American Bill of Rights embodied ideas of guarantees and rights that individuals could invoke against the state. However, none of these documents offered equal protection, as they all excluded large parts of the population.

The 19th century movement to end first the transatlantic slave trade and then slavery itself was the first international human rights campaign that truly embraced the idea that all human beings are created equal. Major campaigns in the 20th century focused on women's electoral rights and labor rights. However, the notion of universal human rights, protected under international law, was only embraced in the aftermath of the Second World War.

Basic principles of human rights were captured by U.S. President Franklin Delano Roosevelt in 1941 when he spoke of a world founded on four essential freedoms: freedom of speech, freedom of religion, freedom from want, freedom from fear. The horrors of the Second World War and the Holocaust served as a catalyst for advancing the cause of human rights as they propelled human rights onto the global agenda and conscience. International outrage over Nazi atrocities greatly influenced the standards for what today are considered gross violations of human rights - summary executions, enforced disappearances, enslavement, rape, and torture. Having borne witness to some of the worst crimes against humanity, the world's governments called for human rights standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. The United Nations was founded with the purpose to promote universal respect for human rights and fundamental freedoms.

To advance this goal, the United Nations established a Commission on Human Rights. The Commission established a committee to draft a document spelling out the meaning of the fundamental rights and freedoms proclaimed in the UN Charter. The Universal Declaration of Human Rights was adopted by the members of the United Nations on December 10, 1948. This declaration launched what amounted to a revolution in international law. How a government treated its citizens became an international concern, and no longer a domestic issue that other states were precluded from interfering in. The declaration has served as the basis for the constitutions of many nations. It has achieved the status of customary international law because states have accepted it as the minimum legal standard of treatment that must be afforded to everyone.

Ending racism and colonialism became the first area of focus for international human rights, with newly independent states from Africa and Asia in the forefront of the movement. Colonized and oppressed peoples in Africa and beyond proclaimed their independence in exercise of their right to self-determination. In 1965, against the backdrop of de-colonization and the U.S. Civil Rights Movement, the United Nations adopted its first universal human rights treaty: the Convention on the Elimination of all Forms of Racial Discrimination.

One year later, two more treaties were adopted to build a more comprehensive body of legally binding human rights norms and create mechanisms for enforcing the Universal Declaration of Human Rights: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. These two covenants extend rights to all persons and prohibit discrimination. Each of them has been ratified by more than 160 nations.

In addition to the covenants and the Convention on the Elimination of Racial Discrimination, the UN has adopted six more core human rights treaties, which address torture, disappearances, as well as the rights of women, children, migrant workers, and persons with disabilities. Many other treaties also address human rights-related issues such as genocide, the status of refugees, human trafficking, and international labor standards.

Based on the obligations they have voluntarily assumed as parties to human rights treaties, states have the primary responsibility to protect human rights. They must ensure that legal frameworks, public policies, and the authorities implementing them respect international human rights standards. For instance, the state's justice system must abide by international standards to ensure that trials are fair and that detained persons are always kept in humane conditions and under no circumstances subjected to torture.

States must also protect human rights against undue infringement by private individuals - for example, by criminalizing all forms of domestic violence and making sure that perpetrators are prosecuted and the victims protected from further abuses. They must also protect human rights against the threats of armed conflict, natural disasters, or armed groups - including taking special measures to address the specific needs of internally displaced persons. African countries have led the development of international law in this regard by adopting the Convention for the Protection and Assistance of Internally Displaced Persons in Africa. This is the only regional treaty of its kind.

Non-governmental organizations have played fundamental roles in focusing the attention of the international community on human rights. For instance, NGO activities surrounding the 1995 United Nations Fourth World Conference on Women in Beijing, China, drew unprecedented attention to serious violations of the human rights of women. International NGOs such as Amnesty International, the Anti-Slavery Society, Human Rights Watch, and Survivors International monitor the actions of governments and businesses, give voice to victims, and advocate for human rights principles to be upheld. Perhaps even more important, local human rights organizations are campaigning on a daily basis against injustice and inequality. As human rights defenders, they enjoy special protection and must not be subject to any reprisals for exercising their rights to freedom of expression.

States must take positive action to fulfill human rights and allow for their effective enjoyment. Every state must prioritize its resources to address the core minimum needs of its population - including food, water, basic education and health care, and decent shelter.

And there must be representation of marginalized groups in state institutions and decision-making bodies. We will take a closer look at the protections due marginalized groups in another lesson in this course.

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